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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/737,321 | 12/14/2000 | Amy Hetz Wilson | 2400-599 | 9469 |
| 27820 | 7590 | 12/10/2004 | EXAMINER | |
| WITHROW & TERRANOVA, P.L.L.C. P.O. BOX 1287 CARY, NC 27512 | | | BUTLER, MICHAEL E | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3653 | |

DATE MAILED: 12/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Supplemental
Notice of Allowability

| | | |
|--|----------------------------|------------------|
| <i>Supplemental Notice of Allowability</i> | Application No. | Applicant(s) |
| | 09/737,321 | WILSON |
| | Examiner Michael Butler | Art Unit 3653 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 8/25/2004.
 2. The allowed claim(s) is/are 4,10-14,26-28,39,44-46 and 50-83.
 3. The drawings filed on 25 August 2004 are accepted by the Examiner.
 4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.
5. Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) The translation of the foreign language provisional application has been received.
 6. Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**
7. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 8. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No. _____.
 - (b) including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| <input type="checkbox"/> Notice of References Cited (PTO-892) | <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____. |
| <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____ | <input type="checkbox"/> Examiner's Amendment/Comment |
| <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance <input type="checkbox"/> Other . |

DETAILED ACTION***Supplemental Notice of Allowability***

1. The detailed action sent out in the notice of allowability mailed 9/14/2004 was the earlier detailed action from the Ex party Quayle action in which the drawings were objected to. The ex parte Quayle action had been printed for review during the writeup of the allowance and the similar ex parte Quayle detailed action was placed in the folder in error. The drawing amendment was effective in overcoming the objection. A supplemental Notice of Allowability is being generated to clarify the record.

Drawings

2. The drawings are acceptable.

Priority

3. Applicant's claim of priority to application 09/154462 filed 9/16/98 is acknowledged. Applicant's claim of priority to provisional application 60/060066 filed 9/26/97 is acknowledged.

Allowable Subject Matter

4. Claims 17, 19-21, 29, 50-56, 58, 60, 62-89 are allowed

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. The following is an examiner's statement of reasons for allowance: The prior art fails to disclose or suggest in combination with other art: a distributed site fuel dispensing

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unit with a fuel dispenser associated with a control system and a receiver adapted to receive signals including identification indicia from a remote communications unit associated with a customer, said receiver operatively associated with said control system to enable said control system to retrieve the identification indicia and a cash transaction indicator associated with said control system and adapted to signal said control system of a cash transaction and control system providing customer related information associated with the identification indicia when a cash transaction is indicated by said cash transaction indicator, control system including a dispenser controller and a central controller apart from the dispenser. A fuel dispensing system configured to credit either of: change or loyalty benefits, from a cash transaction to a customer from an identification premised upon an associated remote communication.

Of particular interest is Gunnarsson '919 a fuel dispensing system for enhancing cash transactions comprising a fuel dispenser associated with a control system and a receiver adapted to receive signals including identification indicia from a remote communications unit associated with a customer, said receiver operatively associated with said control system to enable said control system to retrieve the identification indicia and a cash transaction indicator associated with said control system and adapted to signal said control system of a cash transaction and control system providing customer related information associated with the identification indicia when a cash transaction is indicated by said cash transaction indicator, control system including a dispenser controller and a central controller apart from the dispenser. Gunnarsson '919 neither discloses nor suggests alone or in combination with other art crediting change or loyalty benefits premised upon identification with a remote communications device.

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Of further interest is Rivalto which discloses a fuel dispensing system recording loyalty benefits, but premised upon a customer entry of identification rather than premised upon identification with a remote communications device.

Of further interest is Kurowski et al., which discloses a fuel dispensing system recording change and loyalty benefits but premised upon a customer entry of identification rather than premised upon identification with a remote communications device and Kurowski et al has a filing date junior to the instant application priority date and while Kurowski et al. has a CIP priority claim to a June 1997 application, the relevant subject matter elements are not disclosed in an earlier continuously linked chain of applications antedating the instant application's chain thereby precluding Kurowski et al as earlier art.

Allowable Subject Matter

7. Claims 4, 10-14, 26-28, 39, 44-46, and 50-83 are allowed.
8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."
9. The following is an examiner's statement of reasons for allowance: the prior art does fails to disclose or suggest alone or in combination with other art: a method and apparatus for determining change by applying a previous credit in a fuel dispensing system for enhancing cash transactions comprising a fuel dispenser associated with a control system and a receiver adapted to receive signals including identification indicia from a remote communications unit associated with a customer, receiver operatively

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associated with control system to enable control system to retrieve the identification indicia.

Of particular interest is Gunnarsson '919 which discloses: A fuel dispensing system for enhancing cash transactions comprising a fuel dispenser associated with a control system and a receiver adapted to receive signals including identification indicia from a remote communications unit associate with a customer, receiver operatively associate with a control system to enable the control system to retrieve the identification indicia. However, Gunnarson '919 does not disclose: applying a previous customer credit in determining the change.

Of further interest is Ramsey '791 which discloses: fueling system with customer change resulting form customer overpayment from a cash transaction. Ramsey '791 fails to disclose applying change from a previous credit.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exmr. Michael E. Butler whose telephone number is (703) 308-8344.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh, can be reached on (703) 306-4173. The fax number for the Group is (703) 305-7687.



Michael E. Butler,
Examiner



DONALD P. WALSH
SUPPLYING PATENT EXAMINER
TECHNOLOGY CENTER 3600